

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

UNITED STATES OF AMERICA

v.

CRIMINAL ACTION NO. 2:14-00030-1

MATTHEW HARRIS ENGLAND

SUPERVISED RELEASE REVOCATION AND JUDGMENT ORDER
MEMORANDUM OPINION AND ORDER

On July 7, 2020, the United States of America appeared by Kathleen Robeson, Assistant United States Attorney, and the defendant, Matthew Harris England, appeared in person and by his counsel, Timothy J. LaFon, for a hearing on the petition seeking revocation of supervised release submitted by United States Probation Officer Justin L. Gibson. The defendant commenced a thirty (30) month term of supervised release in this action on November 21, 2019, as more fully set forth in the Supervised Release Revocation and Judgment Order entered by the court on July 18, 2019.

The court heard the admissions of the defendant and the representations and argument of counsel.

For reasons noted on the record of this proceeding, which are ORDERED incorporated herein by reference, the court found by a preponderance of the evidence that the defendant has violated the conditions of supervised release in the following respects: (1) the defendant unlawfully used and possessed controlled substances, evidenced by urine specimens which tested positive for methamphetamine and amphetamine on December 16, 2019, for which the defendant voluntarily admitted his intravenous use of the substance on December 15, 2019, and methamphetamine on January 6, 2020, for which the defendant voluntarily admitted his use of methamphetamine on January 6, 2020; and (2) the defendant failed to participate in and successfully complete the 9-12 month residential drug treatment program at Recovery "U," in that he entered the program on November 22, 2019, and was deemed a program failure and terminated from the program on January 7, 2020, after failing to abide by the rules and regulations of the facility; all as admitted by the defendant on the record of the hearing and as set forth in the petition on supervised release.

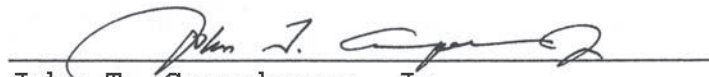
And the court finding, as more fully set forth on the record of the hearing, that the violations warrant revocation of supervised release and, further, that it would unduly depreciate the seriousness of the violations if supervised release were not revoked, it is ORDERED that the supervised release previously imposed upon the defendant in this action be, and it hereby is, revoked.

And the court having complied with the requirements of Rule 32(a)(1)(B) and (C) of the Federal Rules of Criminal Procedure, and finding, after considering the factors set forth in 18 U.S.C. § 3583(e), that the defendant should be confined to the extent set forth below, it is accordingly ORDERED that the defendant be, and he hereby is, committed to the custody of the United States Bureau of Prisons for imprisonment for a period of TEN (10) MONTHS, with no further term of supervised release imposed.

The defendant was remanded to the custody of the United States Marshal.

The Clerk is directed to forward copies of this written opinion and order to the defendant, all counsel of record, the United States Probation Department, and the United States Marshal.

DATED: July 8, 2020



John T. Copenhaver, Jr.
Senior United States District Judge